

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
v. : **CRIMINAL NO. 22-323-GJP**
MARK HOUCK :

DEFENDANT MARK HOUCK'S TRIAL MEMORANDUM

The defendant, Mark Houck, by and through his counsel, Brian J. McMonagle, and Peter Breen, Esq respectfully submits the following Trial Memorandum, and in support thereof avers as follows:

I. CHARGES

Defendant is charged with a two count indictment charging a violation of 18 U.S.C. § 248(a)(1).

II. DEFENSE

The defense will challenge the sufficiency of the evidence in this case. Specifically, the defense will argue that the Government has insufficient evidence to prove the defendant's guilt beyond a reasonable doubt as to any and all of the charges. Furthermore, the defendant intends to present evidence that the defendant acted in self defense and in the defense of others. The defense has also filed a motion to dismiss the charges in this case, and reserves the right to raise constitutional challenges under the First Amendment and the Commerce Clause, as well as the legality of this prosecution under RFRA, at trial.

III. DEFENSE WITNESSES

1. Kirby Bowling
2. Father Michael DiGregorio
3. Daniel Duddy
4. Andrew Duncan
5. Anthony Farnan
6. Brian Gail
7. John Gorman
8. Mark Houck, Jr.
9. Jim Hutchins
10. Chris Josten
11. Molly Kelly
12. Monsignor Mike Mannion
13. Michael McMonagle
14. Gerard Williams
15. Tom Molz
16. Matt Mouccha
17. Patrick Murray
18. Kim Savage
19. Pat Stanton
20. Jaada Williams
21. Markeem Williams
22. Tom Wolf

Defendant reserves the right to supplement this list after the Government has rested its case.

IV. DEFENSE EXHIBITS

1. 11-10-21 FBI 302 Bruce Love
2. 1-11-22 FBI 302 Bruce Love
3. 3-28-22 FBI 302 Bruce Love
4. 11-5-2021 email from Bruce Love
5. 12-1-21 FBI 302 E.W.
6. 3-28-22. FBI 302 E.W.
7. 12-1-21 FBI 302 Kim Lee
8. 5-12-22. FBI 302 Kim Lee
9. 12-1-21 FBI 302 S.J.
10. 3-28-22 FBI 302 S.J.
11. 3-22-22 FBI 302 K.W.
12. 5-6-22 FBI 302 K.W.
13. 5-17-22 FBI 302 K.W.

- 14.** 4-13-22 FBI 302 A.F.
- 15.** 5-12-22 FBI 302 A.F.
- 16.** 5-12-22 FBI 302 B.T.
- 17.** 5-19-22 FBI 302 David Marcus
- 18.** 6-6-22 FBI 302 K.K.
- 19.** 6-6-22 FBI 302 D.M.

Defendant reserves the right to supplement the list.

V. STIPULATIONS

The defendant anticipates entering into stipulations with the Government upon request.

Respectfully Submitted,

/s/BRIAN J. MCMONAGLE
BRIAN J. MCMONAGLE, ESQUIRE

/s/ PETER BREEN, ESQUIRE

CERTIFICATE OF SERVICE

BRIAN J. MCMONAAGLE, Esquire hereby certifies that a true and correct copy of the foregoing document has been electronically filed.

/s/ Brian J. McMonagle
BRIAN J. MCMONAAGLE, ESQUIRE
Attorney for Defendant

Dated: January 6, 2023